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*Attorneys for Defendants  
Cynthia Sablica, James "Greg" Cox  
and Dwight Neven*

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

*ORDER*

MICHAEL RHYMES,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Case No. 3:15-cv-00592-RCJ-VPC

**DEFENDANTS' MOTION FOR  
ENLARGEMENT OF TIME TO OPPOSE  
PLAINTIFF'S MOTION TO COMPEL**

Defendants Cynthia Sablica, James "Greg" Cox, and Dwight Neven, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General, hereby move this Court for an enlargement of time to file an Opposition to Plaintiff's Motion to Compel (ECF No. 52). This Motion is based on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. ARGUMENT**

On February 14, 2018, Plaintiff filed his Motion to Compel Discovery. (ECF No. 52). Defendants are working on a response but need additional time to confirm the existence and/or availability of documents requested by Plaintiff. Defendant Neven originally responded that the documents were not available and counsel needs time to consult with the defendant on the opposition.

FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The proper procedure, when additional time for any purpose is needed, is to present a request for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947).

Defendants seek an enlargement of time to file an Opposition to the Motion to Compel. Good cause exists to extend the time to file this opposition. Counsel has been working to complete discovery in other cases in addition to all of the discovery for this case. Defendants request an additional extension of seven days up to and including March 7, 2018, to file an opposition to Plaintiff's motion.

#### I. CONCLUSION

Based on the foregoing, Defendants respectfully request their motion for enlargement of time is granted and the deadline for serving an Opposition to Plaintiff's Motion to Compel Discovery be extended until March 7, 2018.

DATED this 28<sup>th</sup> day of February, 2018.

ADAM PAUL LAXALT  
Attorney General

By: Benjamin R. Johnson  
BENJAMIN R. JOHNSON  
Deputy Attorney General  
State of Nevada  
Bureau of Litigation  
Public Safety Division

**IT IS SO ORDERED**  
Valerie D. Robb  
U.S. MAGISTRATE JUDGE

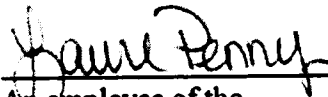
DATED: March 1, 2018

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28<sup>th</sup> day of February, 2018, I caused to be served a copy of the foregoing **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO OPPOSE PLAINTIFF'S MOTION TO COMPEL**, by U.S. District Court CM/ECF Electronic Filing to:

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